

Atty docket # 1403-001

ARGUMENTS

Rejection of Claims on Art Grounds in the 11/17/2003 Office Action, and Traversal Thereof

In the 17 November 2003 Office Action, Claims 1 – 13 were rejected under 35 U.S.C. 112 for failing to define the invention in the required manner. The foregoing amendments are asserted to be fully responsive toward overcoming the rejections stated in the Office Action.

In addition, the following claims have been rejected on prior art grounds under 35 U.S.C 102 (b), as follows:

Claims 8 and 10 are rejected as being anticipated by Delander 2,871,590.

Claims 9 -10 are rejected as being anticipated by Tranberg 4,622,908.

Claim 10 was also rejected as being anticipated by Smith 5,427,291 and Hanyu 4,648,340.

Claim 11 was rejected as being anticipated by DeMeo 5,591,006 and Anetrini 5,516,264.

Claim 12 was rejected as being anticipated by Rochon 2002/0084011.

Claim 13 was rejected as being anticipated by DeMeo 5,591,006.

The above rejections of the claims 1-13 on the stated art grounds are traversed, and now moot in light of the cancellation of those claims, and consideration of the patentability of the newly added claims 14- 35 is requested, in light of the following remarks.

The Examiner had indicated in his Office Action that claims 1, 2, and 4-6 would be allowable if rewritten to overcome the 112 rejections. The foregoing amendments to the claims, being adapted into the newly added claims, are asserted to overcome the 112

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rejections, without adding new matter, clearly setting forth the claimed invention, and to be presently in condition for allowance.

As to the Delander reference, the Applicant notes that the invention discloses an ironing board cover designed, constructed and configured for covering an ironing board, which the reference teaches require covers to fit tightly over the ironing surface thereof (col. 1, lines 25-27); applicant asserts that, inasmuch as the Delander reference teaches a cover expressly disclosed, taught, and described for application directly to an ironing board alone. Delander does not include all of the components of the claimed invention as to claims 8 and 10, or to the newly corresponding claims now added, which provide for a ceiling fan blade cover having an elastic strap at a center portion of the cover, with the elastic strap being tacked to each side of the cover, thereby creating a pivot point or stop for secure attachment of the cover to the blade to prevent the cover from loosening during movement of the blade while the fan is operating.

One of ordinary skill in the art will recognize and appreciate that Delander's invention was established for providing a smooth surface onto which a garment is placed for smooth, even pressing. Delander nowhere teaches or suggests that the cover has applicability to any other surface, shape or component other than an ironing board. By sharp contrast, the present invention's application to a ceiling fan introduces distinctions of cover construction and method of use, since a ceiling fan blade and its respective cover are designed, constructed and configured to permit movement in a rotational manner during operation of the fan, while ironing boards are recognized as being static objects, in particular during operation or use thereof. The present invention ceiling fan blade cover is designed, constructed and configured to be tight-fitting so as to be unnoticeable as a

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cover, and so as to avoid imbalancing the fan when attached to each blade (paragraph 0007 in the published application). The central location of the elastic band as in claim 8 provides for these two features, which are nowhere taught, disclosed or described in the prior art cited. By contrast, Delander teaches a plurality of elastic bands positioned near the opposite ends of the ironing board cover, not at a central location; thus Delander does not serve as a 102 reference, and is distinguished if the examiner uses it as a 103 reference.

The Tranberg reference teaches a sleeve shaped body protector including a bar tack. Tranberg does not disclose a ceiling fan blade having such a component, and does not have every component of the claimed invention in claims 9-10; also, it is not presently applied as a 102 reference to the newly added claims.

Similarly, the other references cited by the examiner do not properly provide for 102 references, inasmuch as none of the references cited teaches or discloses all the elements of the claimed invention.

Claims 14-35, now amended, are asserted to be in patentable condition. Allowance of these claims is hereby respectfully requested. In the event that the Examiner finds additional minor modifications that would place these claims in allowable condition, the Examiner is respectfully requested to make telephonic contact with the Attorney of Record to discuss and make changes via Examiner's Amendment to place the claims in condition for allowance.

The above rejections of the claims now pending newly added claims 14-35 (claims 1-13 canceled) on the stated art and utility grounds are traversed, and

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consideration of the patentability of the claims 14-35 is requested, in light of the foregoing remarks. Favorable action is therefore requested.

CONCLUSION

In view of the foregoing, claims 14-35, now amended, constituting the claims pending in the application, are submitted to be fully patentably and in allowable condition to address and overcome the rejections.

If any issues remain outstanding, incident to the allowance of the application, Examiner Verdier is respectfully requested to contact the undersigned attorney at (919)-664-8222 or via email at jinang@trianglepatents.com to discuss the resolution of such issues, in order that prosecution of the application may be concluded favorably to the applicant, consistent with the applicant's making of a substantial advance in the art and particularly pointing out and distinctly claiming the subject matter that the applicant regards as the invention.

This Office Action response is submitted via fax to the official group fax number at 703.872.9302 on 17 March 2004. A first extension of time and payment for same is hereby requested and submitted.

Respectfully submitted,

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